IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 8145 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NAYAK-BHOJAK PARESH DHIRAJLAL AND OTHERS
Versus
STATE OF GUJARAT AND ANOTHER

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Appearance :
MR PRAKASH K JANI for Applicants.
MS MANISHA SHAH, APP for Respondent No.1.
MR BHARAT T RAO for Respondent No. 2.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 20/02/2006

ORAL JUDGMENT

RULE. Ms.Manisha Shah, learned APP waives service of notice of rule on behalf of respondent No.1 and Mr.B.T.Rao, learned advocate waives service of notice of rule on behalf of respondent No.2. With the

consent of the parties, the matter is taken up for final hearing today.

By filing this application, the applicants have prayed that the complaint at page 14, Annexure-D may be quashed. Aforesaid complaint is filed by respondent No.2 under Sections 498-A and 114 of the Indian Penal Code on the ground that the complainant had married with applicant No.1 herein and their marriage had taken place on 3rd May, 2003, however, after some time of marriage life, she was subjected to torture by her husband and other in-laws. On this and other allegations aforesaid complaint is filed before the police, which is registered as Crime Register No.I-194/2005. At the stage, when the complaint is filed, the applicants-original accused have filed this application under Section 482 of the Criminal Procedure Code.

Today, at the time of hearing, Mr.Jani, learned advocate for the applicants submitted that dispute in question is settled between the parties and, therefore, the complaint may be quashed.

Mr.Rao, learned advocate appearing for the original complainant-wife submitted that he has received instructions from his client that unfortunate matrimonial dispute is amicably settled. In view of the instructions received from his client, Mr.Rao submitted that he has no objection if the complaint and further proceedings are quashed.

Ms.Manisha Shah, learned APP submitted that the offence in question is compoundable one. She further submitted that when the matrimonial dispute is settled amicably, this Court may exercise powers under Section 482 of the Criminal Procedure Code by quashing the

complaint and further proceedings.

In view of the submissions of learned advocates of both the sides, it is not in dispute that matrimonial dispute is settled. When learned advocate for the complainant submits that he has received instructions from his client that the matter is settled and since he submitted that he has no objection if F.I.R. and other proceedings instituted on the basis of it are quashed, with the consent of the parties, this matter is disposed of and F.I.R. at annexure-D, page – 14, which is registered as Crime Register No.I-194/2005 before Visnagar Police Station is quashed and consequential proceedings instituted on the basis of said complaint are also quashed. Rule is accordingly made absolute.

(P.B.MAJMUDAR, J.)

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